

REMARKS

Reconsideration is hereby requested.

Applicant has amended and/or cancelled rejected Claims 5 through 8 to both better define the invention and to distinguish the same over the combination of Akiyama, et al (USPN 4,329,806) in view of Watkins (USPN 5,634,840). Therein, the Applicant has added third and fourth independent claim. Accordingly, the excess Claim fee for a Small Entity for an independent claim in the amount of \$39.00 is enclosed herewith.

Original Claim 5 was rejected under Section 102(b) as anticipated by Akiyama. Responsive thereto, said Claim 5 has been cancelled in favor of new Claims 9 and 10. Therein, material limitations are added which clearly define over the structure of Akiyama. More particularly, these limitations include deletion of the term "selectably" in favor of the term "continuously" to thereby more accurately define the function of the internal inlet of the intake manifold relative

to the compressed air canister. Also, the "normally open" condition of the mouth of the compressed air canister now appears as a further limitation in new Claim 9.

New Claim 9 also clarifies that the "intake manifold" communicates with the pneumatic engine. In terms of Akiyama, this is an important issue in that Akiyama does not employ or require an intake manifold for its pneumatic engine. Rather, the engine 12 of Akiyama receives its pressurized air input through a flexible tube 48 which communicates with a valve 46 which in turn receives its air input from a flexible tube 42 which is connected to a hole 40 within an air tight cap 38. See Fig. 1 and Column 2 of Akiyama. Accordingly, there does not exist in said reference any combination of elements which could fairly be characterized as an intake manifold for a pneumatic engine. In distinction, Applicant, through its use of an intake manifold for its pneumatic engine, as particularly defined in new Claims 9 and 10, obviate all need for flexible tubing such as tubes 42, 48 and 54 of Akiyama. This clearly represents a major design improvement over the teaching of Akiyama because, absent such improvement, the *in situ* rechargeability of the Applicant's resilient compressed air canister 10 would not be possible. That is, as may be noted in the middle of Page 10 of Applicant's specification and in Fig. 9

thereof, canister 10 is never removed from the fuselage or engine of Applicant's system but, rather, is re-pressurized with air through use of an external pump which connects to the system at an external air inlet of the manifold, namely at check valve 12, this causing distal ball 20 of the valve 12 to compress along the axis of spring 22 in the direction of proximal ball 14. Accordingly, the Applicant's fluid input assembly, as now claimed in Claims 9 and 10, defines both structurally and functionally over the teaching of Akiyama. Applicant's new Claim 9 also sets forth that the internal air inlet of the intake manifold is proportioned for complementary receipt of the open mouth of Applicant's compressed air canister. No such structure or relationship is recited in Akiyama which, as above noted, relies entirely upon flexible tubing to communicate air flow from plastic its bottle 22 to engine 12. See Figs. 1 and 2 thereof.

Claim 6, as amended, depends upon new independent Claim 9. Therefore, it is allowable at least for the reasons above set forth.

Claims 7 and 8 have been cancelled in favor of new Claims 11 to 13 to more particularly define the invention thereof and, as well, more clearly define over the cited combination of Akiyama and Watkins '840. Therein, new independent Claim 11 clarifies (relative to cancelled Claim 7) such features as the structure of the retaining cap bracket 28 and the engine bracket 32. In other words, the assembly which effects stabilization between canister 10 and Applicant's pneumatic engine is claimed in new Claims 11 to 13. The antecedent basis therefore appears in Fig. 1 of Applicant's drawings and in Paragraph 1 of Page 11 of Applicant's specification. Accordingly, in new Claim 11, Applicant has simply clarified the language and intent of original Claim 7 to clarify and better define the positive mechanical securement which exists between canister 10 and the pneumatic engine. This positive securement is effected through use of two different brackets, namely, retaining cap bracket 28 which assures fluid and mechanical integrity of the mouth of the canister relative to cap 18a of the canister, and engine bracket 32 (which include bracket radial ring 32a). See said Page 11 of the specification. As noted in the final sentence of Paragraph 1 of said Page 11, "The attachment of this engine bracket 32 is crucial in eliminating vibration and impact forces during

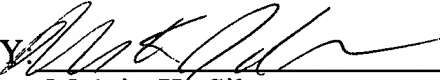
normal usage of the vehicle." Accordingly, new Claim 11 clarifies the language of Claim 7, appropriately enlarges the scope thereof and, resultingly, defines over Akiyama and Watkins, however combined.

Since Watkins is simply a compressed air gas cylinder system, the gas cylinder is the engine such that the problem of stabilization of a canister of compressed air relative to a pneumatic engine does not exist. Further, Watkins, even if combinable with the teaching of Akiyama, does not suggest, or otherwise intimate, the use of the combination of a retaining cap or engine brackets as claimed in new Claim 11. Clearly, neither Akiyama nor Watkins is concerned with the problem of vibration between the air canister and engine during vehicle operation, this simply because the vehicle of Akiyama and the vehicle of Watkins, i.e., confetti, are separated from the source of compressed air during operation thereof. Accordingly, the need for stabilization between the source of compressed gas and an operational vehicle does not exist in either of said references.

File No. 1133.13.1

In view of the above, all objections and rejections of record have been satisfactorily responded to and, as such, the early allowance of all claims of record is believed to be indicated.

Respectfully submitted,  
CHARLES KOWNACKI

BY   
Melvin K. Silverman  
Reg. No. 26,234

4901 NORTH FEDERAL HIGHWAY  
SUITE 440  
FORT LAUDERDALE, FL 33308

TELEPHONE: (954) 492-0071  
FACSIMILE: (954) 492-0087

Enclosure:

Excess Independent Claim Fee for Small Entity in the amount of \$39.00